IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3163 OF 2004

Raju @ Sanjay Kacharu Pradhan & Ors. .. Applicants.

Vs.

State of Maharashtra .. Respondent.

Mr.Ramrao Adik with Ms.Rajashree Gadhavi for the applicants.

Mr.S.R.Shinde APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 10TH AUGUST, 2004

P.C.:

. Heard Mr.Adik, learned counsel for the applicants and Mr.Shinde, learned A.P.P. for the respondent.

2. The applicants are seeking bail in C.R.No.179/2003 registered at Shirur police station under section 302, 201 read with 34 of Indian Penal Code. The applicants and others are alleged to have committed murder of one Dilip Choure on 17.8.2003 at about 9.30 pm by means of sharp edged weapons. The occurence was witnessed by Balasaheb Shete, Shivaji Choure, Santosh Pawar and Sureh Choure. Except one Pravin Nichit, no other accused

was named by the eye witnesses. In view thereof the test identification parade was held on 20.10.2003 in which all the accused were identified by the eye witnesses. The autopsy report is also consistent with the ocular version. Mr.Shinde, learned A.P.P. at the outset invited my attention to the order of this court dated 23.6.2004 passed in Criminal Application No.2200/2004 filed by the co-accused involved in the instant crime and submitted that the role of the present applicants cannot be distinguished from the role of the applicants in the said application. Mr.Adik, learned senior counsel for the applicants though took me through the statements of some witnesses, could not distinguish the role of the present applicants from the accused whose application was rejected on 23.6.2004 by me. I have carefully gone through the statements of all the witnesses to find out whether the role of the present applicants could be separated from the other accused. I could not find any difference between the role of the applicants and the accused in Criminal Application No.2200/2004. In the circumstances for the selfsame reasons the instant application is rejected.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)